

**RESOLUTION BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH MOONEY CONSTRUCTION INC. FOR FC-6007000024, CONSTRUCTION FIRE STATIONS 13 AND 18, ON BEHALF OF THE ATLANTA FIRE AND RESCUE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED FIVE MILLION ONE HUNDRED NINETY EIGHT THOUSAND ONE HUNDRED NINETY ONE DOLLARS AND NO CENTS (\$5,198,191.00); ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 774001 (FACILITIES OTHER THAN BUILDINGS) W11C021392AK (FIRE STATION 13); 1C40 (1998 BOND PROJECT FUND) 774001 (FACILITIES OTHER THAN BUILDINGS) W11C021392AB (FIRE STATION 13); 1C44 (2001 BOND PROJECT FUND) 774001 (FACILITIES OTHER THAN BUILDINGS) W11C021392AK (FIRE STATION 13), 1C46 (2002 BOND PROJECT FUND) 774001 (FACILITIES OTHER THAN BUILDINGS) W11C021392AC (CONSTRUCTION FIRE STATION 13); 1C28 (GENERAL GOVERNMENT CAPITAL OUTLAY FUND) 774001 (FACILITIES OTHER THAN BUILDINGS) W11C024092AK (FIRE STATION 18); 1C49 (2004 BOND PROJECT FUND) 774001 (FACILITIES OTHER THAN BUILDINGS) W11C024092AK (FIRE STATION 18); AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Fire and Rescue Department (AFRD) conducted an assessment of its fire stations; and

WHEREAS, the AFRD determined that Fire Stations 13 and 18 need to be replaced; and

WHEREAS, the City of Atlanta ("City") solicited Requests for Proposals for qualified firms for FC-6007000024, for the construction of Fire Stations 13 and 18; and

WHEREAS, construction bids were accepted for the Fire Station 13 and 18 project; and

WHEREAS, the Chief of the Atlanta Fire and Rescue Department and the Chief Procurement Officer have recommended that the contract for FC-6007000024, be awarded to Mooney Construction, Inc., in an amount not to exceed Five Million One Hundred Ninety Eight Thousand One Hundred Ninety One Dollars And No Cents (\$5,198,191.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor or her designee be and is hereby authorized to enter into an appropriate contractual agreement with Mooney Construction, Inc., for FC-6007000024,

Construction Fire Stations 13 and 18, on behalf of the Atlanta Fire And Rescue Department, in an amount not to exceed Five Million One Hundred Ninety Eight Thousand One Hundred Ninety One Dollars And No Cents (\$5,198,191.00).

BE IT FURTHER RESOLVED, that all expenses shall be charged to and paid from fund account and center numbers 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13); 1C40 (1998 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AB (Fire Station 13); 1C44 (2001 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13), 1C46 (2002 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AC (Construction Fire Station 13); 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station18); 1C49 (2004 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station18);

BE IT FURTHER RESOLVED, that the Chief Procurement Officer be and is hereby directed to prepare the appropriate contractual agreements for execution by the Mayor.

BE IT FINALLY RESOLVED, that said contractual agreement shall not become binding upon the City, and the City shall incur no liability upon the same until such contract is approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to the contracting parties.



CITY OF ATLANTA

FIRE - RESCUE DEPARTMENT

An Accredited Agency

City Hall East 675 Ponce de Leon Avenue, NE Suite 2001
Atlanta, GA 30308-1807
(404) 853-7000 * FAX (404) 853-7245/7092
ICHIEFS ID – ATLFDHQ

SHIRLEY FRANKLIN
MAYOR

DENNIS L. RUBIN
FIRE CHIEF

Legislative White Paper

Committee of Purview: PUBLIC SAFETY & LEGAL ADMINISTRATION

Caption: A resolution authorizing the Mayor to enter into an appropriate contractual agreement with Mooney Construction, Inc for FC-6007000024, Construction Fire Stations 13 and 18, on behalf of the Atlanta Fire and Rescue Department, in an amount not to exceed five million one hundred ninety eight thousand one hundred ninety one dollars and no cents (\$5,198,191.00); all contracted work shall be charged to and paid from fund account and center numbers 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13); 1C40 (1998 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AB (Fire Station 13); 1C44 (2001 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13), 1C46 (2002 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AC (Construction Fire Station 13); 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station18); 1C49 (2004 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station18); and for other purposes.

Council Meeting Date: November 5, 2007

Legislation Title: Authorization to enter into construction contract for Fire Stations 13 and 18

Requesting Dept.: Atlanta Fire Rescue Department

Contract Type: Construction

Source Selection: Open Bid

Bids/Proposals Due:	August 1, 2007
Invitations Issued:	Public Notice
Number of Bids/ Proposals Received:	Three (3)
Bidders/Proponents:	Mooney Construction, Inc., Ricks Construction, Inc., Ward General Contractors, Inc.
Justification Statement:	N/A
Background:	The Department of Fire Rescue has conducted an assessment and determined that Fire Stations 13 (built in 1928) and 18 (built in 1940) are in need of replacement. AFRD had secured the land and conducted the necessary design and engineering.
Fund Account Center:	1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13); 1C40 (1998 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AB (Fire Station 13); 1C44 (2001 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13), 1C46 (2002 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AC (Construction Fire Station 13); 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station18); 1C49 (2004 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station18)
Source of Funds:	General Government Capital Outlay Fund, 1998, 2001, 2002 and 2004 Bond Project Funds
Fiscal Impact:	Five Million One Hundred Ninety Eight Thousand One Hundred Ninety One Dollars And No Cents (\$5,198,191.00)
Term of Contract:	Until Acceptance
Method of Cost Recovery:	N/A

BID SCHEDULE

FC-6007000024, Fire Stations 13 and 18

TO: The City of Atlanta, Georgia Submitted: Aug. 1st, 2007

The undersigned, as Bidder, hereby declares that the only person or persons interested in this Bid, as principal or principals, is or are named herein and that no other person, than herein mentioned has any interest in this Bid or in the Agreement to be entered into, that this Bid is made without connection with any other person, company or parties making a Bid or proposal; and that it is in all respects fair and in good faith without collusion or fraud.

The Bidder further declares that he has examined the Site of Work and fully informed himself in regard to all conditions pertaining to the place where the Work is to be done; that he has examined the Agreement Documents for the Work furnished prior to the opening of Bids; and that he has satisfied himself relative to the Work to be performed.

The Bidder proposes and agrees, if this Bid is accepted, to contract with the City, in the form of Agreement specified, to furnish all necessary Materials, Equipment, means of transportation and labor necessary, and to complete this Project in full and complete accordance with the shown, noted, described and reasonably intended requirements of the Agreement Document to the full and entire satisfaction of the City, and with a definite understanding that no money will be allowed for extra work except as set forth in the Agreement Document.

Bidder hereby agrees to commence Work under this Agreement on or before a date to be specified in the written "Notice to Proceed" from the City.

The undersigned acknowledges receipt of addenda numbered 1 through 1

In accordance with the above understanding, the undersigned proposes to do all of the Work, furnish all of the Materials, and complete the Work in accordance with the Agreement Documents for the Total Bid.

BID SCHEDULE OF VALUES

Do not include Contractor's OH&P in General Conditions or under any division, provide it under line 18.

SCHEDULE OF VALUE ITEM

01.	Division 01. - General Conditions and Requirements	
01.1	Materials Testing & Inspection Amount:	\$ 25,000
01.2	Insurance Cost Amount:	\$ 25,500
01.3	Bond Cost Amount:	\$ 75,000
	Sub total: All Div. 01 Work including 01.1, .2 & .3:	\$ 400,000
02.	Division 02 - Site Work	
02.1	Landscape:	\$ 35,000.00
02.2	Concrete Paving:	\$ 120,000.00
	Sub total: All div. 02 Work including 02.1 to .2:	\$ 320,000
03.	Division 03 - Concrete	
03.1	Foundation/Walls:	\$ 300,000
03.2	Slabs:	\$ 180,000
	Sub total: All Div. 03 Work including 03.1 to .2	\$ 480,000
04.	Division 04 - Masonry	
04.1	Interior:	\$ 400,000
04.2	Exterior:	\$ 251,000
	Sub total: All Div. 04 Work including 04.1 to .2:	\$ 651,000
05.	Division 05 - Metals	
05.1	Structural Roof Framing:	\$ 310,000
	Sub total: All Div. 05 Work including 05.1	\$ 440,000
06.	Division 06 - Wood and Plastic	
06.1	Millwork:	\$ 75,000
	Sub total: All Div. 06 Work including 06.1	\$ 110,000
07.	Division 07 - Thermal & Moisture Protection	
07.1	Insulating Roof Systems:	\$ 150,000
	Sub total: All Div. 07 Work including 07.1	\$ 400,000
08.	Division 08 - Doors and Windows	
08.1	Hollow Metal Doors and Frames:	\$ 30,000
08.2	Wood Doors:	\$ 20,000
08.3	Folding Apparatus Bay Doors:	\$ 150,000
08.4	Overhead Apparatus Bay Doors:	\$ 50,000
08.5	Fire Rated Windows:	\$ 65,000

Sub total: All Div. 03 Work including 08.1 to .5

\$ 285,000

09. Division 09 - Finishes:

09.1 Interior Wall Tiles:

\$ 160,000

09.2 Exterior Wall Tiles:

\$ 70,000

09.3 Paint:

\$ 80,000

\$ 349,000

10 Division 10 - Specialties

Sub total: All Div. 10 Work

\$ 160,000

11. Division 11 - Equipments

Sub total: All Div. 11 Work

\$ 60,000

12. Division 12 - Furnishings

Sub total: All Div. 12 Work

\$ 7,000

13 Division 13 - Special Construction

Sub total: All Div. 13 Work

\$ NA

14. Division 14 - Conveying Systems

Sub total: All Div. 14 Work

\$ 45,000

15. Division 15 - Mechanical

Sub total: All Div. 15 Work

\$ 580,000

16 Division 16 - Electrical

Sub total: All Div. 16 Work

\$ 450,000

17. Subtotal Proposal Amount

\$ 4,733,000

18. Contractor's Overhead and Profit (Not Included Above)

Line 17 X 9

\$ 465,191

19. SUBTOTAL PROPOSAL AMOUNT (Line 17 + Line 18) =

\$ 5,198,191

20. Finance/Closing Cost:

\$ NA

21. TOTAL BID (Line 19 + Line 20)

Total Cost for: FC-6007000024, Fire Stations 13 and 18

\$ 5,198,191.00

Total Bid in Words Five million, one hundred ninety-eight thousand, one hundred ninety-one dollars

If applicable, the undersigned Contractor understands that quantities are approximate and subject to either increase or decrease by City. Undersigned agrees to do any additional or subtracted based on unit prices set forth herein and the undersigned will make not claims for anticipated profits for any decreases in the quantities. Actual quantities will be determined upon completion of the job.

The undersigned also agrees that extra work, if any, performed in accordance with the General Conditions will be paid for in accordance with the provisions therein. Amounts shall be shown in both words and figures, where indicated. In case of discrepancy the amount shown in words will govern.

The bid prices shall include all costs of completion of the work except as otherwise specified in the Contract Documents. The names and residence addresses of all persons and parties interested in the forgoing bid as principals are as follows:

(Give first and last names in full. In the case of a corporation, give name of president, treasurer, and manager and in the case of a partnership, give names and addresses of members.)

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work. Notice of acceptance should be mailed, telegraphed, or delivered to the undersigned bidder at the following address:

(Name of Bidder) Mooney Construction, Inc.

(Signature of Authorized Representative) 

(Title) President

(Business Address) 212 Creekstone Ridge

(City and State) Woodstock, GA 30188

EXHIBIT B

GEORGIA UTILITY CONTRACTOR'S LICENSE CERTIFICATION

NOTE: The Utility Contractor's License Number is also required on the Bid Envelope.

Contractor's Name: Steadman, Inc.

Utility Contractor's License Number: UC301647

Expiration Date of License: 4/30/09

FC Number and Project Name: FC: 6007000024

Construction of Fire Stations 13 & 18.

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT OF 2006

Effective July 1, 2007, the following language is required to be included in all contracts entered into by the City of Atlanta (hereinafter "City") for the physical performance of services within this State:

"A. Pursuant to the Georgia Security and Immigration Compliance Act of 2006, the Contractor understands and agrees that compliance with the requirements of O.C.G.A. § 13-10-91 and Georgia Department of Labor Rule 300-10-1-.02 are conditions of this Agreement. The Contractor further agrees that such compliance shall be attested by the Contractor through execution of the contractor affidavit required by Georgia Department of Labor Rule 300-10-1-.07, or a substantially similar contractor affidavit. The Contractor's fully executed affidavit is attached hereto as Exhibit A and is incorporated into this Agreement by reference herein.

B. By initialing in the appropriate line below, the Contractor certifies that the following employee-number category as identified in O.C.G.A. § 13-10-91 is applicable to the Contractor:

1. _____ 500 or more employees;
2. _____ 100 or more employees;
3. xx Fewer than 100 employees.

C. The Contractor understands and agrees that, in the event the Contractor employs or contracts with any subcontractor or subcontractors in connection with this Agreement, the Contractor shall:

1. Secure from each such subcontractor an indication of the employee-number category as identified in O.C.G.A. § 13-10-91 that is applicable to the subcontractor;
2. Secure from each such subcontractor an attestation of the subcontractor's compliance with O.C.G.A. § 13-10-91 and Georgia Department of Labor Rule 300-10-1-.02 by causing each such subcontractor to execute the subcontractor affidavit required by Georgia Department of Labor Rule 300-10-1-.08, or a substantially similar subcontractor affidavit. The Contractor further understands and agrees that the Contractor shall require the executed subcontractor affidavit to become a part of the agreement between the Contractor and each such subcontractor and shall provide a copy of said affidavit to the City. The Contractor agrees to maintain records of each subcontractor attestation required hereunder for inspection by the City at any time."

BID DOCUMENTATION

--Certification--

THE UNDERSIGNED HEREBY CERTIFIES THAT THE BID DOCUMENTATION CONTAINED HERIN CONSTITUTES ALL THE INFORMATION USED IN PREPARATION OF THE BID AND THAT I HAVE PERSONALLY EXAMINED THESE CONTENTS AND HAVE FOUND THAT THIS BID DOCUMENTATION IS COMPLETE.

BY: 

TITLE: President

FIRM: Mooney Construction, Inc.

ADDRESS: 212 Creekstone Ridge

Woodstock, GA 30188

TELEPHONE NO. (770) 516-8860

FAX NO. (770) 516-0877

DATE: 08/01/2007

INSURANCE COVERAGE AND BONDING CAPACITY
CITY OF ATLANTA
FC-6007000024, Construction of Fire Stations 13 & 18

The Bidder shall provide the City with satisfactory evidence of the Bidder's ability to obtain the required insurance and bonds from (a) company (ies) satisfactory to the City and licensed by the Insurance Commissioners of the State of Georgia to transact Surety business in the State of Georgia. Bidder shall submit this form with bid.

SURETY:

COMPANY NAME: Western Surety

COMPANY ADDRESS: P.O. Box 5077
Sioux Falls, SD 57117-5077

CONTACT NAME AND PHONE: Kevin Neidert (404) 633-4321

BONDING CAPACITY IS: \$14,000,000.00

AVAILABLE (uncommitted) BONDING CAPACITY IS: \$8,000,000.00

INSURER: Selective Way Insurance Co.

COMPANY NAME: Yates Insurance Agency

COMPANY ADDRESS: P.O. Box 95806
Atlanta, GA 30347

CONTACT NAME AND PHONE: Kevin Neidert (404) 633-4321

Mooney Construction, Inc.
COMPANY NAME

Z. M.
PRESIDENT/VICE PRESIDENT

Sworn to and subscribed before me this 1 day of August, 2007.

Wanda L. Mooney
SECRETARY/ASSISTANT SECRETARY
(affix corporate seal, here if a corporation)

AFFIDAVIT

STATE OF GEORGIA
COUNTY OF FULTON

Personally appeared before the undersigned, Tim Mooney who on oath, says that he/she is President and, in such capacity, is authorized to sign this Affidavit, and says on oath that, has submitted to the City of Atlanta Bid or offer to do the following Work under Agreement, to-wit:

FC-6007000024, Construction of Fire Stations 13 & 18

Affiant states upon oath that Mooney Construction, Inc., has not, by itself or with others, directly or indirectly, entered into any combination, arrangement or scheme, whatsoever, with any other Bidder to increase the price of said Work, or to offer a different sum from its Bids; and Affiant further states that Mooney Construction, Inc., has entered into no arrangement, expressed or implied, to induce others not to bid, or to do any by-bidding.

Affiant further states that the said Bid of Mooney Construction, Inc. is bona fide, and that has gone to any furnisher or supplies and attempted to get such person or company to furnish the materials to Mooney Construction only, or if furnished any other Bidder, that the material shall be at a higher price.

Mooney Construction, Inc.
(COMPANY NAME)

T. Mooney
(PRESIDENT/VICE PRESIDENT)

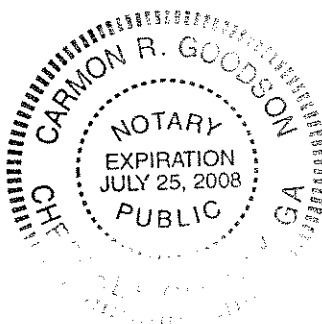
Sworn to and subscribed before me,

this 1 day of August, 2007.

Notary Public County: Cherokee
(Secretary)

My Commission expires: 07/25/08

Carmon R. Goodson



STATEMENT OF BIDDER'S QUALIFICATIONS

This Statement is to accompany Bids submitted for the following project: **FC-6007000024, Construction of Fire Stations 13 & 18.**

1. NAME OF BIDDER: Mooney Construction, Inc.
2. BUSINESS ADDRESS: 212 Creekstone Ridge
Woodstock, GA 30188
3. TELEPHONE NUMBER: (770) 516-8860
4. FACSIMILE NUMBER: (770) 516-0877
5. OFFICIAL REPRESENTATIVE AND TITLE: Tim Mooney, President

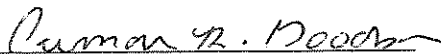
Sworn to and subscribed
Before me this 1st day
Of August,
2007.

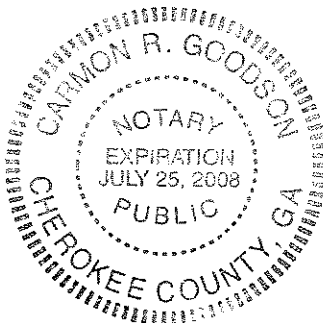
Date: 08/01/2007

Firm Name: Mooney Construction, Inc.

By: 

Title: President


Notary Public



CONTRACTOR'S DISCLOSURE FORM AND QUESTIONNAIRE

1. Please provide the names and business addresses of each of the Contractor's officers, director's, affiliates and other employees, agents or representative of this form, the subject project, **FC-6007000024, Construction of Fire Stations 13 and 18.**

For the purposes of this form, the term "affiliate" of any Contractor shall mean any person or entity which directly or indirectly controls or is controlled by, or is under common control with such Contractor. "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person or entity, whether through ownership of voting securities, by entreat, or otherwise.

Describe accurately, fully and completely, their respective relationships with said Contractor, including their ownership interests and their anticipated role in the management and operations of said Contractor.

2. Please describe the general development of said Contractor's business during the past five (5) years, or such shorter period of time that said Contractor has been in business.
3. Please state whether any of the following events have occurred in the last five (5) years with respect to said Contractor. If any answer is yes, explain fully the following:
 - (a) Whether a petition under the federal bankruptcy laws or state insolvency laws was filed by or against said Contractor, or a receiver fiscal agent or similar officer was appointed by a court for the business or property of said Contractor;
 - (b) Whether Contractor was subject of any order, judgment, or decree not subsequently reversed, suspended or vacated by any court of competent jurisdiction, permanently enjoining said Contractor from engaging in any type of business practice, or otherwise eliminating any type of business practice; and
 - (c) Whether said Contractor's business was the subject of any civil or criminal proceeding in which there was a final adjudication adverse to said Contractor which directly arose from activities conducted by the business unit or corporate division of said Contractor which submitted a bid or proposal for the subject project, if so please explain.

4. Please state whether any employee, agent or representative of said Contractor who is or will be directly involved in the subject project has or had within the last five (5) years; (i) directly or indirectly had a business relationship with the City of Atlanta (the "**City**"), (ii) directly or indirectly received revenues from the City or (iii) directly or indirectly receives revenues from the result of conducting business on City property or pursuant to any contract with the City. Please describe any such relationship.
5. Please state whether any employee, agent or representative of said Contractor who is or will be directly involved in the subject project has or had within the last five (5) years a direct or indirect business relationship (to the best of your knowledge and belief) with any elected or appointed City official or with any City employee, and fully describe such business relationship.

NOTE: If any response to any question set forth in this questionnaire has been disclosed in any other document, a response may be made by attaching a copy of such disclosure. (For example, said Contractor's most recent filings with the Securities and Exchange Commission (SEC) may be provided if they are responsive to certain items within the questionnaire). However, for purposes of clarity, Contractor should correlate its responses with the exhibits by identifying the exhibit and its relevant text.

Disclosures must specifically address, completely respond and comply with all information requested and fully answer all questions requested by the City. Such disclosure must be submitted at the time of the bid or proposal submission and included as a part of the bid/proposal submitted for this project. Disclosure is required for Contractors, joint venture partners and first-tier Subcontractors and/or Sub-consultants.

Failure to provide required disclosure, submit officially signed and notarized documents or respond to any and all information requested/required by the City can result in the bid/proposal declared as non-responsive. This document must be completed and included as a part of the bid/proposal package along with other required documents.

Contractor's Disclosure Form and Questionnaire
FC-6007000024, Construction of Fire Stations 13 and 18
Page Three

Under penalty or perjury, I declare that I have examined this questionnaire and all attachments hereto, if applicable, to the best of my knowledge and belief, and all statements contained hereto are true, correct, and complete.

On this 1st day of August, 2007

Mooney Construction, Inc.
(Legal Name of Proponent)



(Signature of Authorized Representative)

President
(Title)

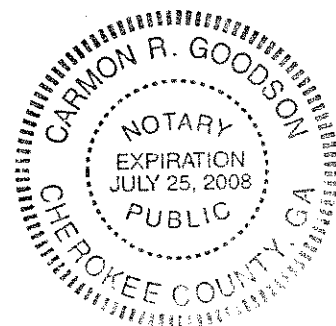
08/01/2007
(Date)

Sworn to and subscribed before me,

this 1st day of August, 2007


(Notary Public) (Seal)

Commission Expires 07/25/2008
(Date)



CONTRACTOR'S DISCLOSURE FORM AND QUESTIONNAIRE

1. Contractor's Officers
 - a. Tim Mooney, President
212 Creekstone Ridge
Woodstock, GA 30188
Role: Project Manager/Operations Manager
Ownership Interest: 49%
 - b. Darcy Mooney, Secretary
212 Creekstone Ridge
Woodstock, GA 30188
Role: Corporate Secretary
Ownership Interest: 51%
2. Mooney Construction, Inc. is a General Contracting firm that opened its doors in September of 2001. The primary focus of the company's work has been New Construction and Renovations for Schools, Libraries, Fire Stations, Museums and other buildings of the same size and nature. One of our latest achievements was the completion of the Sweetwater Creek Museum, which was a LEED project such as this one. Our diligent work with the Georgia Department of Natural Resources proved quite successful with the project achieving Platinum Level of LEED Certification. Our experienced staff has an average of 20 to 25 years experience each in the Construction Industry, which has played an important role in our companies steady growth throughout the years.
3.
 - a. No
 - b. No
 - c. No
4. No
5. No

First Source Jobs Agreement

THIS AGREEMENT REGARDING THE USE OF THE FIRST SOURCE JOBS PROGRAM BY CONTRACTORS WITH THE CITY OF ATLANTA TO FILL ENTRY LEVEL JOBS is made and entered into by Mooney Construction, Inc.

This 1st day of August, 2007.

Whereas the City of Atlanta requires the immediate beneficiary or primary contractor for every eligible project to enter into a First Source Jobs employment agreement. The contractor agrees to the following terms and conditions:

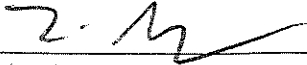
- The first source for finding employees to fill all entry level jobs Created by the eligible project will be the First Source Program.
- The contractor will make every effort to fill 50% of the entry level jobs created by this eligible project with applicants from the First Source Program.
- The contractor shall make good faith effort to reach the goal of this employment agreement.
- Details as to the number and description of each entry level job must be provided with the bid.
- The contractor shall comply with the spirit of the First Source Jobs Policy beyond the duration of this agreement and continue to make good faith attempts to hire employees of similar backgrounds to those participating in the First Source Program.
- The contractor as a condition of transfer, assignment or otherwise shall require the transferee to agree in writing to the terms of the employment Agreement.

Upon a determination that a beneficiary or contractor has failed to comply with the terms of this Agreement, the City may impose the following penalties based on the severity of the non-compliance:

- The City of Atlanta may withhold payment from the contractor.
- The City of Atlanta may withhold 10 percent of all future payments on the contract until the contractor is in compliance
- The City of Atlanta may refuse all future bids on city projects or applications for financial assistance in any form from the City until the contractor demonstrated that the First Source requirements have been met, or cancellation of the eligible project.
- The City of Atlanta may cancel the eligible project.

All terms stated herein can be found in the City of Atlanta Code of Ordinances Sections 5-8002 through 5-8005.

The undersigned hereby agrees to the terms and conditions set forth in this agreement.



Contractor

FORM 5

First Source Job Information

Company Name: Mooney Construction, Inc.

FC No.: 6007000024

Project Name: Construction of Fire Stations 13 & 18

The following entry level positions will become available as a result of the above referenced contract with the City of Atlanta.

1. Carpenter - Minimum 5-years experience with commercial carp. work, must have own vehicle and tools.
2. Laborer - No experience required, must be able to lift a minimum of 75 lbs.
3. Asst. Superintendent - Minimum 5-years of asst supt/supt work on commercial construction sites, must have own vehicle
- 4.
- 5.

Include a job description and all required qualifications for each position listed above.

Identify a company representative and contact phone number who will be responsible for coordinating with the First Source Jobs Program.

Company Representative: Jerry Lyons

Phone Number: (770) 516-8860

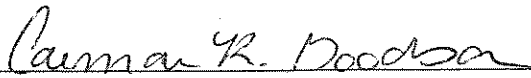
COVENANT OF NON-DISCRIMINATION

The undersigned understands that it is the policy of the City of Atlanta to promote full and equal business opportunity for all persons doing business with the City of Atlanta. The undersigned covenants that we have not discriminated, on the basis of race, gender or ethnicity, with regard to prime contracting, subcontracting or partnering opportunities. The undersigned further covenants that we have completed truthfully and fully the required forms EBO-2 and EBO-3. Set forth below is the signature of an officer of the bidding entity with the authority to bind the entity.

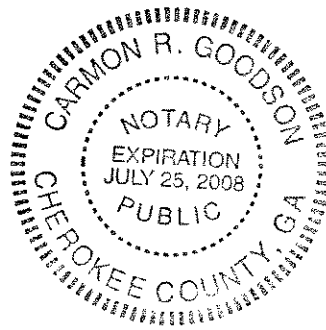

Signature of Attesting Party

President
Title of Attesting Party

On this 1st day of August, 2007, before me appeared Tim Mooney, the person who signed the above covenant in my presence.


Notary Public

Seal



FORM EBO-1

SUBCONTRACTOR CONTACT FORM

List all subcontractors or suppliers that were contacted regarding this project.

Name of Sub-contractor/ Supplier	Company Name, Contact Name, Address and Phone Number	City Of Atlanta Business License? (Yes or No)	Type of Work Solicited for	Business Ownership (see code below)	Certification No. and Expiration Date	Results of Contact
Airtab, Inc.	Airtab, T Hairston Atlanta, GA 770-454-5664	Yes	HVAC	AABE & FBE	2006-056 2/24/08	Will be bidding
ARS Mechanic.	ARS Mech, D Grant Conyers, GA 770-760-1533	No	HVAC	AABE	2005-405 9/15/07	Will be bidding
Joseph Harper & Assoc.	Joseph Harp & As J Harper Decatur 404-292-0354	No	HVAC	AABE	2006-136 4/18/08	Not Bidding
Stallworth Mechanical	Stall. Mech. Atlanta, GA 404-799-1053	Yes	HVAC	AABE	2006-220 6/27/08	Not Bidding
Thomas Contracting	Thomas Contract D Thomas, StMtn 770-879-7476	No	HVAC	AABE	2007-165 4/24/09	Not Bidding
ABCO Electric	ABCO, A Harris Lawrenceville 678-442-8428	No	Elect	AABE	2007-47 1/30/09	Not Bidding
Hope Electric	Hope Elec W Hope, Atlanta 404-344-8337	Yes	Elect	AABE	2005-519 12/20/07	Not Bidding
Larsell Enterprises	Larsell Benning Atlanta, GA 770-996-0124	Yes	Elect	AABE & FBE	2007-43 1/25/09	Not Bidding
OmniPower Internation	OmniPower Lit A Salahud, Spr. 678-481-0876	No	Elect	AABE	2006-413 12/13/08	Not Bidding

Name of Sub-contractor/ supplier	Company Name, Contact Name, Address and Phone Number	City Of Atlanta Business License? (Yes or No)	Type of Work Solicited for	Business Ownership (see code below)	Certification No. and Expiration Date	Results of Contact
&D Elect Co	D&D, M Patton Fayetteville 770-460-9537	No	Elect	FBE	2007-90 2/27/09	Left message, no response
avida Elec	Davida, Barbara Finchthner Mariet 770-973-8543	No	Elect	FBE	2006-041 2/13/08	Left message, no response
ower Source Electrical	Powersour, R Richards, Roswell 770-640-1633	No	Elect	AABE	2006-028 1/26/08	Left Message, no response
outheast Electrical	SE Elec, Karl D Lithonia, GA 770-323-0464	No	Elect	AABE	2006-280 8/21/08	Yes, bidding
ptime Electrical	Uptime, C Austin College Park 404-559-8745	Yes	Elect	AABE	2007-147 3/29/09	Not Bidding
acosta's Plumbing	Dacostas, Lincoln Atlanta, GA 404-421-9686	Yes	Plumb	AABE	2007-263 6/20/09	Left message, no response
& F Stone	E&F, F Diaz Suwanee, GA 770-271-8491	No	Floor	HBE	2006-233 7/07/08	Yes, bidding
ssams Flooring	Essams Norcross, GA 770-457-2337	No	Floor	FBE	2007-205 5/17/09	Yes, bidding

Business Ownership Code: AABE - African American Business Enterprise, HBE - Hispanic Business Enterprise, FBE - Female Business Enterprise, ABE - Asian Business Enterprise, NABE - Native American Business Enterprise

Company Name: Mooney Construction, Inc. Project Name: Construction of Fire Stations 13 & 18 FC#: 6007000024

Signature: 2. M Date: 08/01/2007

EQUAL BUSINESS OPPORTUNITY SUBCONTRACTOR PROJECT PLAN SUBCONTRACTOR/SUPPLIER UTILIZATION

List all Majority, Minority and Female Business Enterprise subcontractors/suppliers, including lower tiers, to be used on this project.

Name of Sub-contractor/supplier	Company Name, Address and Phone Number	City Of Atlanta Business License? (yes or no)	NIAC Code	Type of Work to be Performed	Ownership of Business (see code below)	Certification No. and Expiration Date	Dollar (\$) Value of Work and Scope of Work	Percentage of Total Bid Amount
Conversion Contractors	Conversion Contractors 3180 Florence Rd Ste 204 Powder Springs, GA 30127 678-567-2100	Yes	238220	Plumbing	FBE	070095	\$350,000	8%
Smiths Masonry	Smiths Masonry 2834 Butner Road Atlanta, GA 30331 404-734-5475	Yes	238140	Masonry	AABE		\$651,000	

Total MBE% _____
Total FBE% _____

Code: AABE - African American Business Enterprise, HBE - Hispanic Business Enterprise, FBE - Female Business Enterprise.
ABE - Asian Business Enterprise, NABE - Native American Business Enterprise

Proponent's Co. Name: Mooney Construction, Inc. Project Name: Construction of Fire Station 13 & 18 FC#: 6007000024

Signature:  Date: 08/01/2007

BID BOND

STATE OF GEORGIA
COUNTY OF FULTON

KNOW ALL MEN BY THESE PRESENTS, that we, Mooney Construction, Inc., as Principal, and Western Surety Company, as Surety, are held and firmly bound unto the City of Atlanta, Georgia in the sum Five (5%) Percent of Principal's Bid Dollars (\$) lawful money of the United States of America, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal was submitted to the Owner a Bid for FC-6007000024, Construction of Fire Stations 13 & 18.

NOW, THEREFORE, the conditions of this obligation are such that if the Bid be accepted, the Principal shall, within ten (10) days after receipt of conformed Agreement Documents, execute a Agreement in accordance with the Bid upon the terms, conditions and prices set forth therein, and in the form and manner required by the Agreement Documents and execute sufficient and satisfactory separate Performance and Payment Bonds payable to the Owner, then this amount of five percent (5%) of the total bid amount in form satisfactory to the Owner, then this obligation shall be void; otherwise, it shall be and remain in full force and effect in law, and the Surety shall, upon failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the aforesaid Owner, upon demand, the amount hereof in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

This bond is given pursuant to and in accordance with the provision of O.C.G.A. Section 13-10-1 and 36-82-101 et. Seq. And all the provisions of the law referring to this character of bond as set forth in said Sections or as many be hereinafter enacted and these are hereby made a part hereof to the same extent as if set out herein in full.

IN WITNESS WHEREOF, the said Principal has hereunder affixed its signature and seal, and said Surety has hereinto caused to be affixed its corporate signature and seal, by its duly authorized officers, on this 1st day of August, 2007.

Mooney Construction, Inc.

Carman R. Boocker

BY: [Signature]

Western Surety Company

Kevin M. Neidert

BY: [Signature]

Kevin M. Neidert, Attorney-in-Fact

Bid Bond

Page 2

Resident agent in state in which Work is to be performed:

Name:

Kevin M. Neidert

Address: Yates Insurance Agency

P. O. Drawer 95806, Atlanta, Georgia 30347

Phone: 404-633-4321

Fax: 404-248-0444

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

P D Yates, Jr, P D Yates, III, Alan R Yates, Michael L Angel, Karen A Maynard, Michael S Brickner, Kevin M. Neidert, Tamara Hendrix, Marie M Hartley, Betsy J Holmes, Le Roy N Myhre, Emmett H Hall, Brian K Hughes, Gary A Spuller, Daniel Yates, Individually

of Atlanta, GA, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 31st day of October, 2006.



WESTERN SURETY COMPANY

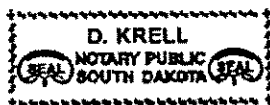
Paul T. Bruffat
Paul T. Bruffat, Senior Vice President

State of South Dakota } ss
County of Minnehaha

On this 31st day of October, 2006, before me personally came Paul T. Bruffat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell
D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 1st day of August, 2007.



WESTERN SURETY COMPANY

L. Nelson
L. Nelson, Assistant Secretary

Telephone (404) 633-4321
Fax (404) 633-1312
Bond Fax (404) 248-0444

Yates Insurance Agency
4 Executive Park East, N.E., Suite 200
Atlanta, Georgia 30329

August 1, 2007

City of Atlanta, Georgia
55 Trinity Avenue, S.W., Suite 1900 City Hall South
Atlanta, Georgia 30303

Atlanta Fire Stations 13 & 18

Gentlemen:

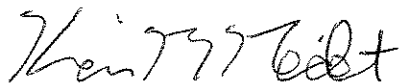
This is to certify that Western Surety Company, Surety for Mooney Construction, Inc., is licensed with the Commissioner of Insurance to do business as an insurance company in Georgia and that they are authorized to serve as Surety.

The company carries a Best's Rating of A (Excellent) with an Assigned Financial Size Category of IX.

They are listed in the July 1, 2007, Federal Register with an Underwriting Limitation of \$34,212,000.

Sincerely,

YATES INSURANCE AGENCY



Kevin M. Neidert



Karen C Handel
Secretary of State

STATE OF GEORGIA
2007 Corporation Annual Registration

OFFICE OF SECRETARY OF STATE
Annual Registration Filings
P.O. Box 23038
Columbus, Georgia 31902-3038

Entity Control No. 0141811

Information on record as of: 8/1/2007

MOONEY CONSTRUCTION, INC.
212 CREEKSTONE RIDGE
WOODSTOCK GA, 30188

Amount due from this entity is indicated below. Annual fee is \$30. If amount is more than \$30, total reflects amount(s) due from previous year(s). **Renew by April 1, 2007**

Renew at www.georgiacorporations.org or by submitting bottom portion with check payable to "Secretary of State".

Officer, address and agent information currently of record is listed below. Please verify "county of registered office." If correct and complete, detach bottom portion, sign, and return with payment. Or, enter changes as needed and submit. Complete each line, even if the same individual serves as Chief Executive Officer, Chief Financial Officer and Secretary of the corporation. Please PRINT LEGIBLY.

Note: Agent address must be a street address in Georgia where the agent may be served personally. A mail drop or P.O. Box does not comply with Georgia law for registered office. P.O. Box may be used for principal office and officers.

Any person authorized by the entity to do so may sign and file registration (including online filing).

Please return ONLY the original form below and fee. Other filings and correspondence should be sent to our Atlanta address: Corporations Division, 315 West Tower, #2 Martin Luther King Jr. Drive, Atlanta, GA 30334.

Visit www.georgiacorporations.org to file online or for more information on annual registration. Or, call 404-656-2817.

Current information printed below. Review and update as needed. Detach original coupon and return with payment.

CORPORATION NAME	ADDRESS	CITY	STATE	ZIP
MOONEY CONSTRUCTION, INC.	212 CREEKSTONE RIDGE	WOODSTOCK	GA	30188
CEO: TIMOTHY W. MOONEY	212 CREEKSTONE PARKWAY	WOODSTOCK	GA	30188
CFO: TIMOTHY W. MOONEY	212 CREEKSTONE PARKWAY	WOODSTOCK	GA	30188
SEC: DARCY L. MOONEY	212 CREEKSTONE PARKWAY	WOODSTOCK	GA	30188
AGT: IAN M. FALCONE	363 LAWRENCE STREET	MARIETTA	GA	30060
IF ABOVE INFORMATION HAS CHANGED, TYPE OR PRINT CORRECTIONS BELOW:				
Corporation Addr:				
CEO:				
CFO:				
SEC:				
AGT:				
P.O. BOX NOT ACCEPTABLE				
GA				
I CERTIFY THAT I AM AUTHORIZED TO SIGN THIS FORM AND THAT THE INFORMATION IS TRUE AND CORRECT.		COUNTY OF REGISTERED OFFICE:		COUNTY CHANGE OR CORRECTION:
AUTHORIZED SIGNATURE:		COBB		
DATE:				
TITLE:				

BR203 2007 Corporation Annual Registration

Amount Due: **\$30.00**

073 014181120 0030004 MOONEYCONSTRUCTIONINO

Business Name History

Name	Name Type
MOONEY CONSTRUCTION, INC.	Current Name

Profit Corporation - Domestic - Information

Control No.:	0141811
Status:	Active/Compliance
Entity Creation Date:	9/14/2001
Jurisdiction:	GA
Principal Office Address:	212 CREEKSTONE RIDGE WOODSTOCK GA 30188
Last Annual Registration Filed Date:	1/26/2007
Last Annual Registration Filed:	2007

Registered Agent

Agent Name:	<u>IAN M. FALCONE</u>
Office Address:	363 LAWRENCE STREET MARIETTA GA 30060
Agent County:	COBB

Officers

Title:	CEO
Name:	TIMOTHY W. MOONEY
Address:	212 CREEKSTONE PARKWAY WOODSTOCK GA 30188

Title:	CFO
Name:	TIMOTHY W. MOONEY
Address:	212 CREEKSTONE PARKWAY WOODSTOCK GA 30188

Title:	Secretary
---------------	------------------

Name:

DARCY L. MOONEY

Address:

212 CREEKSTONE
PARKWAY
WOODSTOCK GA
30188

POST IN A CONSPICUOUS PLACE

ACCOUNT #: 1420

FOR BUSINESS LOCATED AT:
00212 CREEKSTONE RIDGE

City of Woodstock

223 Arnold Mill Road
Woodstock, GA 30188

**BUSINESS LICENSE
and/or**

Professional - Occupational

MOONEY CONSTRUCTION, INC.
212 CREEKSTONE RIDGE

License No.: 2007-000321

Date of Issue: 11/17/2006

WOODSTOCK

GA 30188

~~TIM MOONEY~~

Applicant / Owner

in consideration of which the City of Woodstock, Georgia, has granted a License for carrying
on the business of

~~GEN & ELECTRICAL CONTRACTORS~~

This License Expires On December 31, 2007

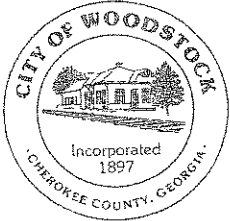
Amount: 240.00

Witness my hand and seal with day and year above written

TERESA COWLEY, TAX CLERK

Licensing Clerk

This license is not transferable and is subject to be revoked if abused.





Mooney Construction, Inc.

212 Creekstone Ridge
Woodstock, GA 30188
Phone: 770.516.8860 Fax: 770.516.0877

FAX Transmittal

Subject: Atlanta Fire Stations 13 & 18

To: Sharron L. Burton
Company: City of Atlanta, Dept. of Procurement
Fax Number: (404) 658-7705 Date: 07/27/07

From: Tim Mooney
Company: Mooney Construction, Inc.
Fax Number: _____ Pages (including cover page): 1

Message


For your records:

Mooney Construction, Inc. did
receive a copy of Addendum
1 on the Fire Stations 13 &
18 project.

Thank You!

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office Greg Pridgeon, Chief of Staff

Commissioner Signature  (for review & distribution to Executive Management)

Director Signature _____

From: Originating Dept. Fire Rescue Contact (name) Lieutenant Jim Daws

Committee(s) of Purview: Public Safety Committee Deadline: _____

Committee Meeting Date(s) October 30, 2007 City Council Meeting Date: November 5, 2007

CAPTION:

A resolution authorizing the Mayor to enter into an appropriate contractual agreement with Mooney Construction, Inc for FC-6007000024, Construction Fire Stations 13 and 18, on behalf of the Atlanta Fire and Rescue Department, in an amount not to exceed five million one hundred ninety eight thousand one hundred ninety one dollars and no cents (\$5,198,191.00); all contracted work shall be charged to and paid from fund account and center numbers 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13); 1C40 (1998 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AB (Fire Station 13); 1C44 (2001 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AK (Fire Station 13), 1C46 (2002 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C021392AC (Construction Fire Station 13); 1C28 (General Government Capital Outlay Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station 18); 1C49 (2004 Bond Project Fund) 774001 (Facilities Other than Buildings) W11C024092AK (Fire Station 18); and for other purposes.

BACKGROUND/PURPOSE/DISCUSSION:

The Department of Fire Rescue has conducted an assessment and determined that Fire Stations 13 (built in 1928) and 18 (built in 1940) are in need of replacement. AFRD had secured the land and conducted the necessary design and engineering.

FINANCIAL IMPACT (if any): \$5,198,191.00

DOF review by LaDawna Reynolds

DOL review by Marissa Key


Mayor's Staff Only

Received by Mayor's Office:

Submitted to Council: _____

Action by Committee:

(date)

10/8/07 
(date)

Reviewed: _____

(Initials)

(date)

Adversed

Held

Amended

Referred

Other

Approvals:

DOF:

LaDawna Reyonlds

DOL:

Marissa Keys

Prepared By:

Lieutenant Jim Daws

Contact Number:

404.391.6214